

REMARKS

Claims 1-3, 10-20, and 23-39 were rejected and remain pending. Claims 1 and 20 have been amended. Reconsideration and allowance are requested.

Claim Objections

Claim 20 was objected to under 37 CFR 1.75(c) as being of improper dependent form. Claim 20 has been amended to be independent.

Claim Rejections – 35 USC § 112

Claim 20 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite as failing to make clear whether it is directed to an apparatus or method. Claim 20 has been amended to make clear that it is directed to an apparatus.

Claim Rejections – 35 USC § 103

Claims 1-3, 10-17, 20, 23-35, and 38-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wanker (U.S. Patent 7,302,429). Claims 1 and 20 have been amended for better clarity. Reconsideration and allowance are requested.

Claim 1 recites an automated method for referring prospective customers to dealers of automobiles and/or automobile services.

Unlike traditional referral methods, the admittedly novel method of claim 1 does not necessarily refer the prospective customer to the closet dealer. Instead, the automated referral method determines whether the prospective customer had any prior contacts with any dealers and, if so, the reason for them. The automated referral method finds that the prospective customer had contact with one dealer for the reason of servicing a vehicle and with another dealer for the reason of purchasing a vehicle. The automated referral method gives preference to the dealer whose contact was for the reason of purchasing over the dealer whose contact was for the purpose of servicing. This happens, notwithstanding that the preferred dealer is further from the customer than the other dealer.

Wanker fails to disclose virtually any of these steps. Wanker allows a customer to enter criteria for ranking merchants. See, e.g., col. 2, lines 33-43. However, Wanker never determines whether the prospective customer had any prior contacts with any of the merchants in the database, let alone the reasons for those prior contacts. Wanker also nowhere suggests that a prior purchasing contact be given preference over a prior service contact.

The office action nevertheless urges that the invention of claim 1 was obvious because: (1) storing customer contact information in the database would have enabled the customers to have been contacted; and (2) the system took prior contacts of all kinds. None of these explanations, however, in any way demonstrate that it was obvious to have modified Wanker to have: (a) determined whether the prospective customer had any prior contacts with any of the merchants in the database, together with reasons for those prior contacts; or (b) given preference to a prior purchasing contact over a prior service contact. The only source of these innovative ideas is the subject patent application. Indeed, Table 1 in Wanker lists roughly 200 different search criteria which a prospective customer may use for finding a merchant. Yet, not a single one of these suggests looking into prior contacts which the querying customer had with the merchants, let alone giving preference to a prior purchasing contact over a prior service contact.

Claim 20 is a systems counterpart to claim 1 and is patentable in view of Wanker for comparable reasons.

Claim 23 has several similarities to claim 1, but gives preference to dealers that had a prior contact with the prospective customer over dealers that are closer to the prospective customer. As indicated above in connection with claim 1, Wanker never determines whether the prospective customer had any prior contacts with any of the merchants in the database. Nor does Wanker suggest that a merchant who had a prior contact be given preference over a merchant who was closer to the prospective customer. And again, no credible reason is provided as to why these marked difference were obvious.

Claim 38 also has similarities to claim 1, but gives preference to dealers who had a prior contact for one reason as compared to a prior contact for another reason. As noted above in connection with claim 1, Wanker never determines whether the prospective customer had any prior contacts with any of the merchants in the database, let alone the reasons for those prior contacts. Wanker also nowhere suggests that a prior contact with the prospective customer of one type be given priority over a prior contact of another type. And again, no credible reason is provided as to why these marked difference were obvious.

Claim 39 also has similarities to claim 1, but gives preference to a seller who had a prior contact with the prospective customer as compared to a seller which did not. As noted above in connection with claim 1, Wanker never determines whether the prospective customer had any prior contacts with any of the merchants in the database. Wanker also nowhere suggests that a merchant who had a prior contact with the prospective customer be given priority over a merchant who did not. And again, no credible reason is provided as to why these marked difference were obvious.

The remaining claims are dependent upon one of these independent claims and thus are patentable for the same reasons given above.

Claims 18-19 and 36-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wanker as applied to claims 1-3, 10-16, 23-35, and 38-39 in view of Chislenko (U.S. Patent 6,041,311). Reconsideration and allowance are requested.

Claims 18-19 are dependent upon claim 1 and claims 36-37 are dependent upon claim 23. As explained above, claims 1 and 23 are patentable in view of Wanker because of deficiencies in this reference. Chislenko does not make up for any of these deficiencies.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance and early notice of the same is earnestly requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper or any other paper or matter in this application, including extension of time fees, to Deposit Account 501946, and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Marc E. Brown, Registration No. 28,590

**Please recognize our Customer No. 33401
as our correspondence address.**

2049 Century Park East, 38th Floor
Los Angeles, CA 90067
Phone: (310) 277-4110
Facsimile: (310) 277-4730
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